

**REMARKS**

Claims 1-33 are pending.

Claims 19-33 are indicated as allowable.

Claims 1-18 stand rejected.

**Allowable Claims**

Appreciation is expressed for the indicated allowability of claims 19-33. Applicants note that page 3 of the Office Action states that claims 1-19 are allowable. However, because the summary page of the Office Action indicates that claims 19-33 are allowable, and that no objections or rejections are made to claims 19-33, the Applicants' are operating on the assumption that page 3 of the Office Action intended to state that claims 19-33 are allowable.

**Double Patenting**

Claims 1-18 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-36 respectively, of U.S. Patent No. 6,434,090 (see the March 9<sup>th</sup>, 2005 Office Action, p. 2). Applicants' understanding of Page 2 of the Office Action is that claims 1-18 would be allowable if a terminal disclaimer in compliance with 37 CFR 1.321(c) is filed to overcome the double patenting rejection(s).


The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 20 USPQ 2d 1392 (Fed. Cir. 1991).

Accordingly, enclosed herewith is a terminal disclaimer to obviate the obviousness-type double patenting rejection in accordance with 37 C.F.R. 1.321. The terminal disclaimer disclaims the terminal part of any patent granted for the instant application which would extend beyond the expiration date of any patent granted for U.S.

Patent No. 6,434,090. Accordingly, the applicants respectfully submit that claims 1-18 are allowable over U.S. Patent No. 6,434,090.

### CONCLUSION

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at the numbers provided below.

I hereby certify that this correspondence is being filed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on September 9, 2005.	
	<u>9/9/05</u>
Attorney for Applicants	Date of Signature

Respectfully submitted,



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